

### **REMARKS**

Claims 1-6, 8, 9 and 11-65 are pending in the present application. Claims 1, 52, 63, 64 and 65 are the independent claims.

Claim 7 has been cancelled without prejudice to or disclaimer of the subject matter recited therein.

Claims 63-65 are newly presented. Claim 63 recites a substrate having a mean roughness with a range not taught or suggest by the prior art. Claim 64 is original independent claim 1 rewritten to incorporate the allowable subject matter of claim 45 and intervening claim 7. Claim 65 includes the allowable subject matter noted by the Examiner at paragraph 2 of the Office Action mailed March 13, 2006.

Accordingly, Applicants assert that new claims 63-65 are in condition for allowance.

Claims 1, 8, 10, 14, 45 and 47 have been amended. No new matter is believed to have been added.

Initially, Applicants acknowledge with appreciation the indication that claims 4, 5, 10, 17, 18, 27, 28, 33, 37-40, 45 and 47 recite patentable subject matter and would be allowable if rewritten in independent form to include all of the features of the base claim and any intervening claims.

### **REJECTIONS UNDER 35 U.S.C. §102:**

Claims 1-3, 6-8, 14-16, 19-21, 23-26, 29-31, 41 are rejected under 35 U.S.C. §102(b) as being anticipated by Tanaka (U.S. Patent 5,462,820 hereafter Tanaka).

Regarding the rejection of independent claim 1, it is noted that independent claim 1 as amended recites a negative electrode for a lithium secondary battery comprising, amongst other novel features, a substrate having a mean roughness of 30 to 4000 Å and the substrate is controlled to have a low mean roughness.

Tanaka discloses a non-aqueous battery comprising a positive electrode, a negative electrode and a non-aqueous electrolyte as well as a battery can, the battery canister serving as a negative electrode-terminal which are crimp-sealed through a gasket (abstract). Tanaka

further discloses that the surface of the support can be roughened by anodization, electrolysis, sandblasting or rolling by rolls having roughened surfaces, or may also be roughened by the foregoing pressing after application of the active material to the substrate. The surface-roughness of the support is on the order of 0.1 to 10 $\mu$ . In other words, Tanaka has the object of increasing a surface roughness to improve adherence between a supporter and a positive active material. Contrary to Tanaka independent claim 1 recites, that the substrate is controlled to have a low mean roughness.

Accordingly, Applicants respectfully assert that the rejection of claim 1 under 35 U.S.C. § 102 (b) should be withdrawn because Tanaka fails to teach or suggest each feature of independent claim 1.

Furthermore, Applicants respectfully assert that dependent claims 2, 3, 6, 8, 14-16, 19-21, 23-26, 29-31 and 41 are allowable at least because of their dependence from claim 1, and because they include additional features which are not taught or suggested by the prior art. Therefore, it is respectfully submitted that claims 2, 3, 6, 8, 14-16, 19-21, 23-26, 29-31 and 41 also distinguish over the prior art.

Regarding the rejection of claim 7, it is noted that claim 7 has been cancelled without prejudice or disclaimer of the subject matter recited therein. Accordingly, the rejection of claim 7 is moot.

**ALLOWABLE SUBJECT MATTER:**

Claims 4-5, 10, 17-18, 27-28, 33, 37-40, 45, 47 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

It is noted that newly added claim 64 is original independent claim 1 rewritten to incorporate the allowable subject matter of claim 45 and intervening claim 7. Accordingly, Applicants assert that new claim 64 is in condition for allowance.

**CONCLUSION:**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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